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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. C 07 03915 HRL

AURELIO MACIEL MATA

Plaintiff,

JOINT CASE MANAGEMENT
CONFERENCE STATEMENT
(UPDATED)

vs

EDWARD J. ULRICK dba ULRICO
SERVICES, BOB MONSEN dba
CONSTRUCTION SERVICES, and
DAFOE COMPANY and DOES 1-10

Defendants.

Hearing Date: 12/18/2007
Time: 1:30 p.m.
Dept: Ctrm 2, 5th Flr
Hon. Magistrate Judge
Howard R. Lloyd

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JOINT CASE MANAGEMENT CONFERENCE STATEMENT

The parties to the above-referenced action jointly submit this Case Management
Statement and Mediation Certification.

DESCRIPTION OF THE CASE

1. Jurisdiction and Service:

1 The Plaintiff claims United States District Court has jurisdiction under the Fair Labor
3 and Standards Act. Co-defendants EDWARD J. ULRICK and DAFOE COMPANY
5 have not been served..

7 2. Facts:

9 This is a wage and hour case. The plaintiff claims he worked for Defendants as a
11 plasterer. The plaintiff asserts he worked over eight hours in one day and forty hours
13 in one week and was not paid overtime. Defendant BOB MONSEN disputes that the
15 plaintiff was his employee and defendant disputes the amount of overtime.

17 3. Legal Issues:

19 Whether Defendant is subject to liability under the FLSA; waiting time penalty,
21 violations of California Labor Code and/or Business and Professions Code §17200.

23 4. Motions:

25 Defendant and Plaintiff anticipate filing a summary judgment motion on all issues
27 following limited discovery.
29

31 5. Amendment of Pleadings:

33 Plaintiff anticipates no further amendments to the complaint unless he discovers new
35 parties to the case.

37 6. Evidence Preservation:

39 Plaintiff has preserved and will give Defendants copies of his evidence. He will
41 make copies and give defendants copies of any evidence in the file excluding copies
43 of evidence withheld for impeachment purposes. Defendant BOB MONSEN will do
45 likewise.
47

49 7. Disclosures:

Parties have agreed to exchange disclosures as soon as all parties have been served.

8. Discovery:

Thirty five special interrogatories per party; unlimited requests for Admissions and Production of Documents. Parties limited to four non expert depositions at ten hours apiece (eight hour limitation imposed by local rules raised to ten because some depositions may require an interpreter).

9. Class Actions: None we are aware of.

10. Related Cases: None we are aware of.

11. Relief: Plaintiff is asking for lost overtime wages under state and federal law.

12. Settlement and ADR: Both of these parties consent to mediation.

13. Consent to Magistrate Judge For All Purposes: Plaintiff and Defendant consent to a magistrate judge.

14. Other References: None requested

15. Narrowing of Issues: Summary Judgment will narrow issues.

16. Expedited Schedule: None Requested

17. Scheduling: See below. Plaintiff needs another 30 days to attempt to serve remaining defendants.

18. Trial: These parties request a jury.

19. Disclosure of Non-party Interested Entities or Persons: None that Plaintiff and Defendant are aware of.

ALTERNATIVE DISPUTE RESOLUTION

1 Parties met and conferred but cannot submit a stipulation selecting mediation (ADR
3 L.R. 6) as an ADR process with this statement because all parties have not been
5 served/appeared.

7 DISCLOSURES

9 Disclosures will be exchanged thirty days after all defendants have been
11 served/appear.

13 DISCOVERY

15 Close of all discovery by May 31, 2008. Parties do not anticipate using expert
17 witnesses. However if that occurs Exchange of expert witnesses June 30, 2008,
19 Deposition of expert witnesses July 31, 2008. Last Day for dispositive motions
21 August 26, 2008.
23

25 TRIAL SCHEDULE

27 Three day trial sometime in or after September 2008
29

31 Respectfully submitted,
33 Dal Bon & Wang

35 Dated: 12/11/2007

37 _____s/jdb_____
39 James Dal Bon
Attorney for Plaintiff

41
43 Respectfully submitted,

45 Dated: 12/11/2007

47 _____s/amp_____
49 Alan M. Phillips
Attorney for Defendant BOB MONSEN

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CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

CMC to be continued to January _____, 2008.

Dated:

Honorable Howard R. Lloyd
